

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1439 of 2026

Arising Out of PS. Case No.-501 Year-2018 Thana- JAMUI District- Jamui

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Dinesh Mahto @ Dinesh Kumar @ Umesh Kumar @ Umesh Mahto S/o
Sindheshwar Mahto Resident of vill- Amrath, PS- Jamui, Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Sri Devendra Kumar Sinha, Sr. Advocate Ms. Kumari Anupam, Advocate, Advocate
For the Opposite Party/s :	Sri Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-04-2026 1. Heard Sri Devendra Kumar Sinha, learned Senior
Counsel for the petitioner and Sri Chandra Bhushan Prasad,
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 34 and 120(B) of the
Indian Penal Code as well as Section 27 of the Arms Act.

3. Learned Senior Counsel for the petitioner submits
that petitioner is a person with clean antecedent and is in
custody since 13.12.2024. It is further submitted that informant
alleges that on 17.09.2018, on two motorcycles, five accused
persons including the petitioner came and on orders of Prakash
and Pappu, they started assaulting the informant and his brother
with slaps and fists, thereafter, three unknown accused also
came whom the informant can identify and they also assaulted



by slaps and fists, thereafter, petitioner fired at his brother who died, on alarm villagers came when accused persons fled away.

4. Learned Senior Counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that no doubt, it is alleged that petitioner is the assailant of the deceased but then an accused, namely, Tripurari was arrested by the police, during the course of investigation, who in his confessional statement before the police confessed that it was he who fired causing firearm injury to the deceased leading to his death. It is, thus, submitted that when Tripurari has confessed about his participation in the occurrence, whether it would be prudent for the Court to keep the petitioner in custody.

5. Sri Chandra Bhushan Prasad, learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner. It is further submitted that petitioner is alleged to be the assailant of the deceased who was brother of the informant. It is next submitted that it does not appear probable that a brother would institute a false FIR alleging that his brother was killed by a person who was not involved in the occurrence. It is also submitted that since it has been submitted by the learned Senior Counsel appearing on behalf of the petitioner that



Tripurari confessed his participation in the occurrence of firing leading to death of the deceased, the said submission appears to be attractive but then is fit to be rejected for the reason that confessional statement in police custody does not have any evidentiary value in the eye of law and Tripurari during the course of trial will resile from his confessional statement but then the petitioner is trying to take advantage of the confessional statement of an apprehended accused in police custody.

6. After hearing the learned counsel for the parties and taking into consideration the fact that FIR was instituted by the brother of the deceased alleging the petitioner to be the assailant of the deceased, the Court is not inclined to release the petitioner on bail in connection with S.T. No. 369 of 2025 arising out of Jamui P.S. Case No. 501 of 2018 pending in the Court of learned Additional District & Sessions Judge-III, Jamui/Successor Court.

7. Hence, the prayer for bail is rejected.

(Satyavrat Verma, J)

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